



FOREIGN AFFAIRS MANUAL

VOLUME 9 – Visas

Transmittal Letter: VISA-173

Date: November 10, 1997

SECTIONS 40.6; 41.51; 41.62; 42.12; 42.53; APPENDIX I

MAJOR CHANGES

1. 40.6 Notes: The notes are revised to provide INS lookout guidance.
2. 40.6 Exhibit I: The exhibit is revised to include new grounds of visa ineligibility established by Pub. L. 104-208 (enacted September 30, 1996).
3. 41.51 Regs/Statutes: Regs are amended to add a new definition of “substantial” to implement the provisions of section 204(c) of Pub. L. 101-649. The new regs also incorporate the underlying principles of the treaty trader/investor classification previously in the form of interpretive notes. INA 101(a)(45) defining the term “substantial” are added to the related statutory provisions [62 FR 48149, Sept. 12, 1997].
4. 41.62 Regs/Statutes: INA 214(l) is deleted.
5. 42.12 Exhibit I: “Congo, Democratic Republic of”, “COD”, and “S.A.R.” are added. “Zaire” is deleted.
6. 42.53 Notes, Procedural Notes and Exhibits: Notes and procedural notes and exhibits are restructured and revised and incorporate the latest INS regulations on priority dates.
7. Appendix I Exhibit VII: Under Hong Kong “preprocessed AIT Taipei (TAI)” was deleted and “AIT Taipei (TAI)” was inserted following Sydney.

“Congo, Democratic Republic of (Congo Kinshasa) (COD)” was inserted.
“Zaire (ZAR)” was deleted.
8. Appendix I Exhibit VIII: “Congo, Democratic Republic of (Congo Kinshasa) (COD)” was inserted; “Zaire (ZAR)” was deleted.

Hong Kong (HKSAR Passport) and Hong Kong (British National (Overseas) Passport) was inserted.

Western Samoa (WSAM) was deleted and Samoa (WSAM) was inserted.

9. Officers are reminded that Department-issued materials not codified in the *Foreign Affairs Manual* or its supplemental *Foreign Affairs Handbook* series generally have no regulatory validity (see 2 FAM 1115.2).

FILING INSTRUCTIONS (Paper Copies)

1. Remove 40.6 Notes (TL:VISA-1; 8-30-87 – 1 page) and insert the revised identically numbered section.
2. Remove 40.6 Exhibit I (TL:VISA-46; 8-26-91 – 2 pages) and insert the revised identically numbered exhibit.
3. Remove 41.51 Regs/Statutes (TL:VISA-94; 9-30-94 – 2 pages) and insert the revised identically numbered section.
4. Remove 41.62 Regs/Statutes (TL:VISA-162; 2-24-97 – 7 pages) and insert the revised identically numbered section.
5. Remove 42.12 Exhibits I and II and insert the revised identically numbered exhibits.
6. Remove 42.53 Notes (TL:VISA-83; 8-13-93 – 5 pages) and insert the revised identically numbered section.
7. Remove 42.53 Procedural Notes (TL:VISA-61; 6-5-92 – 1 page) and insert the revised identically numbered section.
8. Remove 42.53 Exhibit I (TL:VISA-81; 8-4-93 – 2 pages) and insert the revised identically numbered exhibit and a new 42.53 Exhibit II.
9. Remove Appendix I Exhibit VII (TL:VISA-167; 5-23-97) and insert the revised identically numbered exhibit.
10. Remove Appendix I Exhibit VIII (TL:VISA-167; 5-23-97) and insert the revised identically numbered exhibit.
11. For those who maintain a hard copy of this volume, after inserting the material in the binder, insert this transmittal letter immediately following the TL Checklist, fill in the entry line for TL:VISA-173, and initial.

DISTRIBUTION NOTICE

1. The *Foreign Affairs Manual* (unclassified) is issued primarily in CD-ROM format. For information on this program, including information regarding public inquiries, contact the INFOEXPRESS Coordinator, A/IM/CST/MMS/CB, directly. The Coordinator is located in Room 1659 NS, 202-736-4940, FAX 202-736-4924. E-Mail via DOSNET: INFOEXPRESS.

2. All posts and offices holding hard copy versions of the *Foreign Affairs Manual* are responsible for maintaining the FAM on a current basis (see 2 FAM 1116.5), and for ensuring that all copies (including binders) are either retained or returned to A/IM/CST/MMS/DIR if no longer needed. **When returning excess or unused materials include your office/post symbols and inform DIR and your message center if you need to have your distribution reduced** (this generally applies only to time-sensitive paper issuances). A/IM/CST/MMS/PB, Room 1853, 202-736-7470, FAX 202-647-4535, handles all requests for paper copies, including non-Government users (include either fiscal information or payment with request, as appropriate).
3. Use KFAM and AINF TAGS on **all** communications on FAM/FAH issues; direct questions concerning issuance, validity, and updating to A/IM/CST/MMS/DIR. Direct questions concerning substance and interpretations to the 9 FAM Volume Coordinator, who may be reached at the office indicated at the end of this transmittal letter.

(CA/VO/L/R)